

The Recommendation favored dismissal of Mr. Castleberry's complaint under 28 U.S.C. § 1915(b)(1)(A) for his failure to pay the initial partial filing fee. Mr. Castleberry objected to this disposition on the grounds that he had filed multiple requests to pay the fee from his prisoner account, and that he planned to send in another such request. On this basis, the Magistrate Judge then granted Mr. Castleberry an extension, ordering that he pay the partial fee on or before July 28,

2017. (Doc. # 6.) Mr. Castleberry has not paid the fee, so the Recommendation is due to be adopted.

Accordingly, it is ORDERED as follows:

1. The Recommendation of the Magistrate Judge (Doc. # 4) is ADOPTED;

2. Mr. Castleberry's objections (Doc. # 5) are OVERRULED; and

3. This case is DISMISSED without prejudice for Plaintiff's failure to pay the initial partial filing fee.

A final judgment will be entered separately.

DONE this 5th day of September, 2017.

/s/ W. Keith Watkins
CHIEF UNITED STATES DISTRICT JUDGE